

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY 9:00 A.M. AUGUST 25, 1998

PRESENT:

Joanne Bond, Chairman  
Mike Mouliot, Vice Chairman  
Sue Camp, Commissioner  
Jim Galloway, Commissioner  
Jim Shaw, Commissioner

Betty J. Lewis, County Clerk  
Howard Reynolds, Assistant County Manager  
Madelyn Shipman, Legal Counsel

The Board met in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 E. Ninth Street, Reno, Nevada. Following the pledge of allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

98-854 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Galloway, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that the agenda for the August 25, 1998 meeting be approved.

PUBLIC COMMENTS

There was no response to the call for public comments.

MINUTES

On motion by Commissioner Camp, seconded by Commissioner Galloway, which motion duly carried, Chairman Bond ordered that the minutes of the regular meetings of July 14, 21 and 28, 1998 be approved with Commissioner Shaw abstaining on July 28th due to his absence on that date.

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THE BOARD CONVENED AS THE COUNTY LIQUOR BOARD

98-855 REFUND OF BUSINESS LICENSE FEE - KRISTY GAW

Upon recommendation of Karen Carmel, Business License and Zoning Enforcement Supervisor, on motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried, Chairman Bond ordered that a refund in the amount of \$104.00 out of a \$319.00 fee paid in June 1998 for an outcall massage license for Kristy Gaw, be granted.

It was noted that Ms. Gaw's application has been placed on hold due to her involvement in an automobile accident; and that the Business License Division has retained the background investigation fee as the investigation has been completed.

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98-856 KENNEL PERMIT APPEAL - PATRICIA PEREZ

Katie Stevens, Animal Control Officer, reviewed background information regarding a request by Patricia Perez to house four dogs at 260 Jani Place, Sun Valley, Nevada, advising that three objections had been received concerning the application for a Kennel Permit.

Patricia Perez, applicant, stated that she has owned two of the Shihtzu's for twelve years; that the third one belonged to her grandfather who passed away; that she keeps her dogs confined; and that she cleans up after them on a regular basis.

On motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that a Kennel Permit for Patricia Perez to house four dogs at 260 Jani Place, Sun Valley, Nevada be granted.

98-857 LEGISLATIVE PLATFORM ISSUES - NEVADA ASSOCIATION OF COUNTIES (NACO)

Bob Hadfield, Executive Director, Nevada Association of Counties, (NACO), reviewed the following bill draft requests for the 1999 Legislative Session and answered questions of the Board:

Priority #1 - Unfunded Mandates: a request to amend the unfunded mandate provisions of NRS 354.599 to place a minimum dollar threshold of \$2,000 to any one entity before an additional service provision or program is considered a mandate.

Additionally that a statement be required to be displayed on the face of each bill that has an impact of more than \$2,000 to any one entity that states that the bill contains a mandate and may require an additional funding source to be designated by the legislature.

Priority #2 - Long Term Care: a request to require the State of Nevada to increase the income threshold in the State plan for Medicaid for persons in long term care facilities by a cost of living factor each January and to request an appropriation of \$300,000 to continue the fund for the institutional care to the medically indigent to assist counties who are unable to meet their long term care obligations under the State Medicaid Match program.

Priority #3 - Exempt Certain Property Tax Levies From Tax Cap: a request that the following property tax levies be exempt from the statutory tax cap of \$3.64:

1. Levy for state debt (currently 15 cents)
2. Levy for the indigent accident fund (1.5 cents)
3. Levy for the supplemental fund (1 cent)
4. Levy for agricultural extension (1 cent)

Commissioner Mouliot spoke in opposition to the proposed property tax legislation stating that the bill enabling rural counties could encourage those counties to spend more money knowing they would have the ability to raise their property tax rate.

Commissioner Galloway stated that he would not be supportive of this legislation as written, however, he would support a lesser amount of exemption to enable the counties to get beyond an immediate crisis for two years.

Jerry McKnight, Director of Budget & Finance, clarified that this change would not have an immediate impact on Washoe County as the Board sets the tax rate for Washoe County; and that this bill would allow Commissioners in other counties that are experiencing trouble with their current tax rate, more flexibility within the cap.

Priority #4 - Protect County Tax Base Due to Transfer of Property: a request to amend NRS 321.739 by requiring that the assessed valuation of a county in which property and/or property rights are transferred to any government entity is maintained through

within county exchanges, equalization of values, payment of property taxes forgone or any other method agreeable to the county, unless the county agrees to a reduction in its assessed value.

Board Action - Bill Draft Requests 1999 Legislative Session:

On motion by Commissioner Galloway, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that Bill Draft Request Priority # 1 - Unfunded Mandates be supported.

On motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that Bill Draft Request Priority # 2 - Long Term Care be supported.

Commissioner Galloway moved to conditionally support Priority #3 - Exempt Certain Property Tax Levies From The Tax Cap only to the extent necessary to relieve an immediate crisis in rural counties for two years and the motion died for lack of a second.

On motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that Bill Draft Request Priority #4 - Protect County Tax Base Due to Transfer of Property be supported.

Chairman Bond requested that Mr. Hadfield return to the Board in the future with a "fleshed out" version of the property tax legislation for their consideration.

98-858 ORDINANCE 1036 - BILL NO. 1212 - AMENDING WCC - CH. 110 (DEVELOPMENT CODE)- TEMPORARY USES & STRUCTURES

9:30 a.m. This was the time set in a Notice of Public Hearing, published in the Reno Gazette-Journal on August 14, 1998 to consider second reading and adoption of Bill No. 1212. Proof was made the due and legal notice had been given.

Dean Diederich, Department of Community Development, gave a brief overview of the proposed ordinance and answered questions of the Board. He advised that he has requested an amendment to Section 110.310.20 relocating sentence four to the last sentence of the paragraph with a final clause, "as specified in Chapter 25 of the Washoe County Code, instead of an administrative permit."

Ray Wright, Washoe County Sheriff's Office, stated that he had previously met with District Health officials prior to the drafting of this ordinance regarding temporary camping and recreational vehicle use advising that the Health Department is supportive of temporary usage with the caveat that the units be self-contained and have holding tanks.

The Chairman opened the public hearing and called on anyone wishing to speak for or against the adoption of said Ordinance. There being no response, the hearing was closed.

On motion by Commissioner Mouliot, seconded by Commissioner Galloway, which motion duly carried, Chairman Bond ordered that Bill No. 1212, Ordinance No. 1036 entitled "AN ORDINANCE AMENDING CHAPTER 110 OF THE WASHOE COUNTY CODE (DEVELOPMENT CODE) BY AMENDING ARTICLE 310, TEMPORARY USES AND STRUCTURES, THEREOF TO CHANGE THE REGULATIONS GOVERNING OUTDOOR FESTIVALS, TO ADD PROVISIONS REGARDING TEMPORARY CAMPING AND TEMPORARY OCCUPANCY FOR THE CARE OF THE INFIRMED, AND TO CLARIFY THE USE OF MOBILE HOMES, MANUFACTURED HOMES, TRAVEL TRAILERS, COMMERCIAL COACHES AND RECREATIONAL VEHICLES FOR TEMPORARY OCCUPANCY PURPOSES, TEMPORARY CONTRACTOR'S OFFICES AND TEMPORARY REAL ESTATE OFFICES," be approved, adopted and published in accordance with NRS 244.100 as amended and subject to the following findings:

FINDINGS:

1. The proposed amendment to the Washoe County Development Code is in substantial compliance with the policies and action programs of the Washoe County Comprehensive Plan.
2. The proposed amendment to the Washoe County Development Code, will not adversely impact the public health, safety, or welfare, and will promote the original purpose for the Development Code as expressed in Article 918, Adoption of Development Code;

3. The proposed amendment to the Washoe County Development Code will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Comprehensive Plan;

4. The Washoe County Planning Commission public hearing prior to the adoption of the proposed amendment to the Development Code has been properly noticed in a newspaper of general circulation in the County as prescribed under Development Code Section 110.820(a) and Nevada Revised Statutes 278.260, and distributed to all Citizen Advisory Board members as prescribed under Development Code Section 110.820(b);

5. The Planning Commission gave reasoned consideration to information contained within the staff report and information received during the public hearing(s).

6. The Washoe County Commission gave reasoned consideration to information contained within the staff report and information received during the public hearing(s).

#### 98-859 SEXUAL ASSAULT VICTIMS - MEDICAL CARE - PAYMENT

Pursuant to NRS 217.280 to 217.350, on motion by Commissioner Mouliot, seconded by Commissioner Galloway, which motion duly carried, Chairman Bond ordered that payments with funds from the District Attorney's account designated Sexual Assault Victims Expenses be authorized for initial emergency medical care and follow-up treatment for 20 victims of sexual assault in an amount totaling \$7,974.15 as set forth in a memorandum placed on file with the Clerk from Vickie Wedow, Administrative Assistant, District Attorney's Office, dated August 4, 1998.

#### 98-860 WATER RIGHTS DEED & WATER SALE AGREEMENT - SIERRA PACIFIC POWER COMPANY - WATER RESOURCES

Upon recommendation of John Collins, Utility Services Division Manager, through Ed Schmidt, Director, Department of Water Resources, on motion by Commissioner Mouliot, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the Water Rights Deed between Sierra Pacific Power Company, as Grantor, and Washoe County, as Grantee, for 1.54 acre-feet of water rights being a portion of Claims 480, 481, 482, and 484; and Water Sale Agreement between Sierra Pacific Power and Washoe County be approved; that Chairman Bond be authorized to execute the Water Rights Deed and Water Sale Agreement; and that the Utility Services Division Manager be directed to record the Water Rights Deed and Water Sale Agreement with the County Recorder.

It was noted that the water rights are being dedicated in support of Ted and Katie Osgood's Parcel Map, APN 009-421-12, resulting in the creation of one new parcel.

#### 98-861 RESOLUTION - ADOPTION - AMENDED SOUTHWEST TRUCKEE MEADOWS AREA PLAN - CPA98-SWTM-1 COMMUNITY DEVELOPMENT

Upon recommendation of Dean Diederich, Department of Community Development, on motion by Commissioner Galloway, seconded by Commissioner Camp, which motion duly carried, it was ordered that the following resolution be adopted and Chairman Bond authorized to execute:

RESOLUTION ADOPTING THE STEAMBOAT SPECIFIC PLAN, A PART OF THE SOUTHWEST TRUCKEE MEADOWS AREA PLAN, WASHOE COUNTY COMPREHENSIVE PLAN (CPA98-SWTM-1)

WHEREAS, Section 278.150 and 278.210, Nevada Revised Statutes, specifies that the Washoe County Planning Commission may prepare, adopt and amend a master (comprehensive) plan for all or any part of the County, subject to County Commission approval;

WHEREAS, The Washoe County Planning Commission has found that the STEAMBOAT SPECIFIC PLAN, A Part of the Southwest Truckee Meadows Area Plan, Washoe County Comprehensive Plan, provides a long-term general plan for the development of the County including the subject matter currently deemed appropriate for inclusion in the Comprehensive Plan;

WHEREAS, Section 278.220, Nevada Revised Statutes, specifies that the Board of County Commissioners of Washoe County, Nevada, may

adopt and endorse plans for Washoe County as reported by the Planning Commission, in order to conserve and promote the public health, safety and general welfare;

WHEREAS, a public hearing on the adoption of the Washoe County Comprehensive Plan, including the SOUTHWEST TRUCKEE MEADOWS AREA PLAN, was held on May 21, 1991, with the most recent amendment to the SOUTHWEST TRUCKEE MEADOWS AREA PLAN, including the STEAMBOAT SPECIFIC PLAN, being held on February 17, 1998, March 24, 1998 and May 26, 1998, by the Board of County Commissioners of Washoe County, Nevada;

WHEREAS, At the conclusion of the public hearings, the Board of County Commissioners endorsed the STEAMBOAT SPECIFIC PLAN, A Part of the Southwest Truckee Meadows Area Plan, Washoe County Comprehensive Plan, pursuant to Section 278.0282, Nevada Revised Statutes, for conformance review with the Truckee Meadows Regional Plan;

WHEREAS, A public hearing for the review of conformance of the Washoe County Comprehensive Plan, including the SOUTHWEST TRUCKEE MEADOWS AREA PLAN, was first held on October 23, 1991, with the most recent amendment to the STEAMBOAT SPECIFIC PLAN being held on August 13, 1998, by the Truckee Meadows Regional Planning Governing Board, at which time the plan was deemed in conformance with the Truckee Meadows Regional Plan;

WHEREAS, The STEAMBOAT SPECIFIC PLAN, A part of the Southwest Truckee Meadows Area Plan, Washoe County Comprehensive Plan, which is in conformance with the Truckee Meadows Regional Plan, has completed all the necessary requirements for adoption as specified in the Nevada Revised Statutes and Article 820, Amendment of Comprehensive Plan of the Washoe County Development Code; now, therefore, it is hereby

RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY, NEVADA, That the Board does hereby adopt and endorse the STEAMBOAT SPECIFIC PLAN, A Part of the Southwest Truckee Meadows Area Plan, Washoe County Comprehensive Plan, to serve as a guide for the orderly growth and development of Washoe County, Nevada.

98-862 RESOLUTIONS - ASSISTANCE OF ATTORNEY GENERAL - CERTAIN CRIMINAL MATTERS - DISTRICT ATTORNEY

Upon recommendation of Madelyn Shipman, Assistant District Attorney, on motion by Commissioner Mouliot, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following resolutions be adopted and Chairman Bond authorized to execute:

RESOLUTION - Requesting the assistance of Attorney General in the handling of a certain criminal matter

WHEREAS, the Office of the District Attorney is responsible for the prosecution of criminal offenses which have occurred within the County of Washoe; and

WHEREAS, the District Attorney's Office has recently had submitted to it SPD Case No. 98-9900 wherein it is alleged that a person engaged in acts amounting to open or gross lewdness; and

WHEREAS, the defendant is the brother of an employee of the Office of District Attorney; and

WHEREAS, if the Washoe County District Attorney's Office either proceeds or decides to not proceed with the prosecution of the defendant, there may be some suggestion of impropriety or conflict of interest; and

WHEREAS, it is essential in our judicial system that the conduct of the prosecutor remain free of any appearance of conflict of interest or impropriety.

NOW, THEREFORE, be it resolved by the Board of Commissioners of Washoe County as follows:

- 1. That in accordance with the provisions of NRS 228.130 the Nevada Attorney General is hereby requested to assume complete responsibility for the handling of SPD File No. 98-9900 wherein it is alleged that a person committed acts amounting to open or

gross lewdness.

2. That should the Attorney General agree to assume responsibility for the handling of the aforementioned case, the Comptroller of Washoe County will, upon submission of a duly verified claim, pay from the general fund of Washoe County all expenses that the Attorney General incurs in the prosecution of said case.

RESOLUTION - Requesting the assistance of the Attorney General in the handling of a certain criminal matter

WHEREAS, the Office of the District Attorney is responsible for the prosecution of criminal offenses which have occurred within the County of Washoe; and

WHEREAS, the District Attorney's Office has recently had submitted to it RPD Case No. 178636-98 which involves certain drug-related offenses; and

WHEREAS, one of the suspects in the case is the son of an employee of the Office of District Attorney; and

WHEREAS, if the Washoe County District Attorney's Office either proceeds or decides to not proceed with the prosecution of the defendant, there may be some suggestion of impropriety or conflict of interest; and

WHEREAS, it is essential in our judicial system that the conduct of the prosecutor remain free of any appearance of conflict of interest or impropriety.

NOW, THEREFORE, be it resolved by the Board of Commissioners of Washoe County as follows:

1. That in accordance with the provisions of NRS 228.130 the Nevada Attorney General is hereby requested to assume complete responsibility for the handling, including the decision on whether to prosecute or not, of RPD Case No. 178636-98 wherein it is alleged that a person was involved in certain drug-related offenses.

2. That should the Attorney General agree to assume responsibility for the handling of the aforementioned case, the Comptroller of Washoe County will, upon submission of a duly verified claim, pay from the general fund of Washoe County all expenses that the Attorney General incurs in the prosecution of said case.

98-863 NATIONAL BEST PRACTICE COMMUNITY AWARD - DEPARTMENT OF HOUSING & URBAN DEVELOPMENT - HUMAN SERVICE COORDINATOR

Upon recommendation of Michael McMahon, Human Service Coordinator, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that receipt of the National Best Practice Community Award from the Department of Housing and Urban Development be acknowledged with appreciation.

98-864 ACCEPTANCE OF SETTLEMENT - CONSTRUCTION COST OVERRUNS - DESIGN & CONSTRUCTION - COUNTY COURTHOUSE - RISK MANAGER

Upon recommendation of Raymond Sibley, Risk Manager, through Katy Simon, County Manager, on motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that a settlement in the amount of \$425,000 from ArcForm Group concerning the County's claims for construction cost overruns incurred in connection with the design and construction of the Washoe County Courts Complex be accepted; and that Chairman Bond be authorized to execute documents concerning same.

It was further ordered that the County be authorized to issue a final check to ArcForm Group in the amount of \$200,000 for unpaid services rendered under the contract.

It was noted that \$425,000 will be deposited into Fund 89, the original expenditure account for the project.

98-865 APPOINTMENT - SOCIAL SERVICES DEPARTMENT ADVISORY BOARD

Upon recommendation of May Shelton, Director, Department of Social Services, on motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that Marsheilah Lyons be appointed to the Washoe County Social Services Department Advisory Board for a four-year term effective immediately.

98-866 ACCEPTANCE OF RESIGNATION - APPOINTMENTS & RE-APPOINTMENT - BOARD OF EQUALIZATION

Howard Reynolds, Assistant County Manager, reviewed background information concerning this item.

Commissioner Galloway advised that he had interviewed three applicants for two existing vacancies on the Washoe County Board of Equalization; and that after careful consideration, he would recommend the appointment of Jon Obester and David Nadel to fill Doug Clary's and Bob Kilcourse's unexpired terms due to their resignation from the Board.

Gary Schmidt, 9000 Mt. Rose Highway, spoke in opposition to the reappointment of Marcia McCormick to the County Board of Equalization stating that in his opinion she had erred procedurally and acted negligently with regard to decisions rendered regarding his property and surrounding property owners alleging that she disallowed evidence into the record regarding his appeals. Mr. Schmidt then presented transcripts of the State Board of Equalization hearings concerning his property tax appeals and appeals concerning properties in close proximity to the Christmas Tree Restaurant and Reindeer Lodge, located on the Mt. Rose Highway which were placed on file with the Clerk.

Following discussion, on motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that the resignation of Doug Clary and Bob Kilcourse from the Washoe County Board of Equalization be accepted; that Jon Obester be appointed to fill Mr. Clary's unexpired term to June 30, 2001; that David Nadel be appointed to fill Bob Kilcourse's unexpired term to June 30, 2002; and that Marcia McCormick be reappointed to the Board to a term expiring June 30, 2002.

98-867 REAPPOINTMENT - NEVADA TAHOE CONSERVATION DISTRICT

On motion by Commissioner Galloway, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that Don Miner, Douglas County Commissioner, be reappointed to the Nevada Tahoe Conservation District Board, representing Washoe and Douglas Counties for a two-year term September 30, 1998 through September 30, 2000.

98-868 ADOPTION - REVISED CHANGE ORDER POLICIES FOR WASHOE COUNTY - COMPTROLLER

Commissioner Galloway suggested that No. 1 (A) "Change Order Policy for Construction/Infrastructure Preservation" be amended to include the language "Upon concurrence of the County Manager" for change orders up to 5% of the original contract amount.

Upon recommendation of Bud Fujii, General Services Director, Kathy Garcia, Comptroller, John Balentine, Purchasing and Contracts Administrator and Dave Roundtree, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that Revised Change Order Policies for Washoe County be adopted as amended and recommended by staff and placed on file with the Clerk.

98-869 ARCHITECTURAL SERVICES - DESIGN OF CIVIL PROTECTIVE CUSTODY ADDITION & CONTINGENCY TRANSFER - ENGINEERING/SHERIFF/FINANCE

Upon recommendation of Richard Kirkland, Sheriff, on motion by Commissioner Camp, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that funding in an estimated amount of \$45,000 to hire an architect for the design of a Civil Protective Custody (CPC) addition to the Washoe County jail to include all engineering fees associated with the project be approved; and that the following contingency transfer to the Professional Services Account within the Engineering Division be authorized:

Transfer From Transfer To

Account	Description	Amount	Account	Description	Amount
001-1890-7328	Contingency	\$ 45,000.00	1631-7105	Profess. Services	\$45,000.00

It was noted that the County receives \$60,000 per year from the City of Reno for the care and custody of CPC's; that in June, 1998, the County received an Immigration and Naturalization Service Grant in the amount of \$341,141 for the care and custody of prisoners in the Washoe County jail; and that these funds will be utilized for capital construction costs for the facility.

98-870 RATIFICATION - COLLECTIVE BARGAINING AGREEMENTS NON-SUPERVISORY AND SUPERVISORY BARGAINING UNITS NURSES ASSOCIATION - FISCAL YEARS 1998-2000

Upon recommendation of Howard Reynolds, Assistant County Manager, on motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that Collective Bargaining Agreements with the Non-Supervisory and Supervisory Bargaining Units of the Washoe County Nurses Association for Fiscal Years 1998-2000 be ratified.

98-871 ACCEPTANCE - 1998-1999 LOW-INCOME HOUSING TRUST FUND (LIHTF) - AGREEMENTS - STATE OF NEVADA HOUSING DIVISION

Upon recommendation of Michael McMahon, Human Service Coordinator, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the 1998 and 1999 Low-Income Housing Trust Fund (LIHTF) - Welfare Set Aside Funds from the Nevada Housing Division in the amount of \$104,089 for fund year 1998 and \$66,519 for fund year 1999 be accepted; and that Chairman Bond be authorized to execute two agreements with the State of Nevada Housing Division for 1998 and 1999 LIHTF funds, and three revised contracts, originally executed on June 23, 1998 with Subgrantee Agencies receiving LIHTF funds.

98-872 AGREEMENT - CANYON SOLUTIONS, INC. - INTEGRATED COURT SYSTEM SOFTWARE PACKAGE (JUVENILE COURT ACTIVITY TRACKING SYSTEM) - FINANCE

Upon recommendation of Brian Mirch, Finance Division, on motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, it was ordered that an Agreement between Washoe County and Canyon Solution, Inc., concerning development of an integrated court system software package (Juvenile Court Activity Tracking System) in the amount of \$75,000 be approved; and that the Comptroller be directed to transfer funds to key org account #092-920499-7237 currently designated for unclassified construction projects.

It was noted that a new key org will be established for the Juvenile Systems at a later date within fund 92 at which time \$75,000 will be transferred to the new account.

98-873 EASEMENT AND AGREEMENT - GALENA CREEK TRAIL - MONTREUX JOINT VENTURE, MONTREUX GOLF CLUB, KENNETH REIMERS, BONNIE REIMERS, DANNIE L. JASMINE AND LYNN C. JASMINE - PARKS

Karen Mullen, Director, Parks and Recreation Department, stated that when the Board considered this item on May 26, 1998, they requested that staff meet with Joan Rivet, adjacent property owner to Montreux Golf Course, concerning the trail alignment, the width of the easement along her northern property line and to discuss any possible alternatives, one of which was the possibility of a land exchange which was not agreeable to Ms. Rivet; that discussions were held with Montreux representatives to determine if the agreement specified a minimum 10-foot width in this particular area which is a constricting point explaining that the 18th hole is located on one side of the trail and Ms. Rivet's property is on the other side.

Ms. Mullen stated that Montreux has indicated their willingness to work in the field to attempt to enlarge the area to greater than 10 feet in other areas if at all possible; that staff believes that there are no other alternatives unless the 18th hole were to be moved; and that Montreux does not want to proceed unless there is agreement as to the alignment of the trail; and that this agreement would only be executed upon completion of the construction of the trail.

Chairman Bond stated that although this is not a public hearing, she would allow individuals to address the Board concerning this

item.

Joan Rivet, adjacent property owner, stated that she and her father James Colfer jointly own the property. She requested that this matter be continued as they were not notified that this item was on today's agenda until 8:15 a.m. this morning; that they were told at the last meeting concerning this matter that they would have an opportunity to review final plans; that she had met with Commissioner Camp at their property and discussed various options, however, they have not been informed by anyone from the Parks Department or Ms. Camp as to the final outcome regarding this issue; that her attorney was unable to attend today's meeting; that they have requested that the trail be engineered due to the flood damage to their property; that they have not seen final trail plans; that she does not understand how the Board can set aside a condition that adjacent property owners fought so hard for, which was to ensure that they would have a buffer between the golf course and the property owners, which has been totally disregarded with the construction of the golf course; that they have been selectively left off notification lists; that they are located within 300 feet of Montreux and are direct property owners; that a pending lawsuit with Montreux is regarding how they continue to take liberties with adjacent property owners; and that the County is not attempting to prohibit this activity.

Commissioner Shaw stated that this is the second or third time that the Board has dealt with this issue; and that it really disturbs him to hear that Ms. Rivet had not been informed of this agenda item until this morning which could give the impression that that they are forgetting about the "little" people and giving into the "big folks" .

James Colfer stated that he is here today representing his father who resides in a rest home and is concerned that they have never been properly noticed regarding this issue; that he desires due process; that he is greatly concerned with his property, the way the trail has been built and the manner in which the golf course has been re-engineered; that the trail was washed out during the flood of 1997 due in part as it was located in a channel and in a floodplain; and that they would like the opportunity to review the drawings with their engineers prior to the trail being constructed not only for their safety but for the safety of Washoe County residents.

Don Young, Department of Community Development, explained that there was a requirement that the trail be 25 feet in width along the Montreux property away from the creek and a requirement that an access easement be presented along the alignment; that 25 feet was the minimum distance that could be provided; that the access easement and the trail easement overlap which is greater than 25 feet; that the County has recommended that the trail easement be reduced to eliminate the potential for vehicles and trailed pedestrians covering the same property; that it does not change the fact that the buffer is more than 25 feet; that they are viewing this as a combination; that Ms. Rivet would prefer an additional 25 feet of trail easement to her property; and that he believes the access easement is 30 feet creating a 55-foot buffer.

Mr. Young stated that they have resubmitted the same plans that were previously proposed as a land exchange could not be agreed upon.

Karen Mullen explained that these are alignment plans with the exception of plans for construction of the bridges which have to be submitted to the Building Department for a permit; that the trail has been pulled out of the area; that when Montreux originally built the trail, it was located in an old stream bed channel which was done prior to County approval; that they have been requested to move the alignment which is reflected in the plan; that the plans have not changed since the May 26th Board meeting; and that she would be happy to provide them to the Building Department and Engineering for review.

Ms. Rivet stated that her understanding of the buffer set forth in Montreux's final conditions was that the trail would be 25 feet wide and the road would be 30 feet wide; that it was her understanding that the two were not to be integrated as set forth in the conditions; that if the conditions have changed she has not been informed of this fact; and that she is opposed to having a fence between her property and the Montreux property leaving people only 10 feet to walk in, with horses and bicycles to contend with.

Commissioner Galloway inquired if it was Mr. Young's interpretation at the May 26th meeting that the condition did not prohibit the two widths from overlapping and Mr. Young replied that it was his interpretation; that the condition Ms. Rivet was referring to was from the November 10, 1992 Clerk's Order which stated that the "trail easement along the southern portion of the property (Galena Creek) shall be separate from the existing Callahan access easement;" that when the subdivision was reapproved in 1996, that condition was amended so that it no longer required a separation of the two access easements which is why staff came up with

a solution to have co-terminus easements, however, it would be a better choice not to accept the full 25 feet in that area.

Commissioner Camp stated that she has visited the area several times; that Mr. Obermeyer has the access road and is adamantly opposed to co-mingling the path or trail with this road; that to address everyone's needs would be next to impossible; that she is at a point where she would rather see no trail at all; that Ms. Rivet has had a real problem with Montreux; and that it is unfortunate that they have been unable to resolve their problems.

Carl Obermeyer, property owner to the west of Ms. Rivet, stated that he purchased his property in January, 1997 advising that he has vehicular access encroaching 30 feet onto Ms. Rivet's property line i.e., a trail that was accepted by the County in a tentative map agreement and Montreux; that the Parks Department and Montreux have been attempting to resolve this issue; and that he feels his property could face potential litigation and the possibility of no access

Madelyn Shipman, Assistant District Attorney, advised that a court case is currently pending regarding the Rivets and Montreux; that a Preliminary Injunction Hearing is scheduled for next week which appears to be rather vague; that the issue before the Board today is a fairly simple matter involving the exchange of ownership and the acceptance of certain easements; and that the attorney handling this case has advised her that nothing would change if the Board were to act on this item today.

Bob Sader, attorney representing Montreux Joint Venture and Montreux Golf Course stated that the trail alignment is a lengthy alignment constructed by Montreux which they now have to re-build due to flooding; that the area being discussed is a very small portion of the trail; that the majority of the trail consists of over 25 feet; that the agreement contains a lot of give and take which resulted in the County having, in most places, over 50 feet and in some instances over 100 to 200 feet of easement; that the County is receiving more open space and access for creek fishing which was not required in the conditions of approval for Montreux; and that it is impossible to please everyone in this case.

Commissioner Galloway stated that he is concerned that Ms. Rivet's attorney could not be present today; that Mr. Sader is present representing Montreux which could give the wrong perception; that another gentleman asserts that he did not have an opportunity to see the plans; that he would like to give Ms. Rivet's attorney an opportunity to be present; and that would like anyone else in opposition to this issue to have the opportunity to see the plans and be apprised of any meetings regarding this issue as the public trail issue is very important.

Commissioner Mouliot stated that trail issues have been discussed numerous times by the Board; that a 25-foot wide trail is one of the widest trails they have considered; and that in his opinion, he does not see a problem with a 10-foot wide trail.

Following discussion, on motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried, Chairman Bond ordered that this item be continued to September 8, 1998 at 5:15 p.m.

Commissioner Galloway advised Ms. Rivet that the Board could not guarantee notification regarding this issue to all of her neighbors beyond the statutory requirement.

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There being no further business to come before the Board, the meeting adjourned at 11:30 a.m.

JOANNE BOND, CHAIRMAN  
Washoe County Commission

ATTEST: BETTY J. LEWIS, County Clerk